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9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 JAMES NELSEN,)

18 Defendant.)
19

No. CR 09-01168-JF

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
DECEMBER 10, 2009 TO JANUARY 6,
2010 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

20 On December 10, 2009, the parties appeared for a hearing before this Court. At that
21 hearing, the government and defense requested an exclusion of time under the Speedy Trial Act
22 based upon the defense counsel's need to effectively prepare by reviewing discovery materials
23 once submitted by the government. At that time, the Court set the matter for a hearing on
24 January 6, 2010.

25 The parties stipulate that the time between December 10, 2009 and January 6, 2009 is
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

FILED

DEC 16 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).
4

5 DATED: December 10, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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7 /s/
8 JEFFREY B. SCHENK
Assistant United States Attorney

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10 /s/
11 VARELL FULLER
Attorney for Defendant
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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between December 10, 2009 and January 6, 2010 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

12/16/09



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE